

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**CELLULAR COMMUNICATIONS
EQUIPMENT LLC,**

Plaintiff,

v.

APPLE INC., et al.,

Defendants.

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Civil Action No. 6:14-cv-00251-KNM

JURY TRIAL DEMANDED

AMENDED DOCKET CONTROL ORDER

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

DATE	EVENT
3 DAYS after conclusion of Trial	Parties to File Motion to Seal Trial Exhibits , if they wish to seal any highly confidential exhibits. EXHIBITS: See order below regarding exhibits.
September 6, 2016	JURY SELECTION AND TRIAL at 9:00 a.m. before Judge K. Nicole Mitchell, 211 W. Ferguson St., Rm. 353, Tyler, TX 75702.
September 1, 2016	PRETRIAL CONFERENCE at 9:00 a.m. before Judge K. Nicole Mitchell, 211 W. Ferguson St., Rm. 353, Tyler, TX 75702. All pending motions will be heard.
August 26, 2016	Parties to file estimates of the amount of time they request at jury selection and trial for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
August 26, 2016 12:00 p.m. Central	Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.

* As contemplated in the Model Order, the parties reserve the right to request modification(s) of the limits established therein.

In the event that any of these dates fall on a weekend or Court holiday, the deadline is modified to be the next Court business day.

The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the Court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has 15 days in which to serve and file supporting documents and briefs after which the Court will consider the submitted motion for decision.

OTHER LIMITATIONS

- (a) All depositions to be read into evidence as part of the parties’ case-in-chief shall be EDITED so as to exclude all unnecessary, repetitious, and irrelevant testimony; ONLY those portions which are relevant to the issues in controversy shall be read into evidence.
- (b) The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (i) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (ii) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (iii) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

ORDER REGARDING EXHIBITS, EXHIBIT LISTS AND WITNESS LISTS:

- A. ON FIRST DAY OF TRIAL, each party is required to have on hand the following:
 - (1) One (1) copy of their respective original exhibits. Each exhibit shall be properly labeled with the following information: Identified as either Plaintiff’s or Defendant’s Exhibit, the Exhibit Number and the Case Number. In addition, exhibits shall be placed in properly marked manila folders and contained in a box with handles. (Do not tender to the Court until instructed).
 - (2) Three (3) hard copies of their exhibit list and witness list. These lists shall be tendered to the Courtroom Administrator at the beginning of trial.
 - (3) One (1) copy of all exhibits on disk(s), USB Flash Drive(s), or portable hard drive(s). This shall be tendered to the Courtroom Administrator at the beginning of trial.

B. EXHIBIT LISTS DURING TRIAL:

- (1) On the first day of trial, each party should be prepared to offer en masse, exhibits NOT objected to by opposing party and tender to the Court a list of said exhibits. Parties are directed to entitle the list, "Plaintiff's / Defendant's Exhibits Admitted on (DATE)." This list will be marked as Plaintiff's / Defendant's Exhibit List 1.
- (2) On the second day of trial and daily thereafter, parties shall offer any additional exhibits not objected to by opposing party and tender to the Court a list of said exhibits. This list should be entitled "Plaintiff's / Defendant's Exhibits Admitted on (DATE)," and will be marked as Plaintiff's / Defendant's Exhibit List 2, and so on until the conclusion of trial.
- (3) On the last day of trial, the parties shall tender to the Court three (3) copies of a cumulative list entitled, "Plaintiff's / Defendant's Final List of All Admitted Exhibits."
- (4) ALL ADMITTED EXHIBITS WILL BECOME PART OF THE RECORD AND WILL GO TO THE JURY.
- (5) The Court urges the parties to meet and confer on a daily basis during trial regarding admission of exhibits, so as not to delay the trial proceedings.

C. At the conclusion of the evidentiary phase of trial, each party is to gather only those exhibits admitted during trial and tender those to the Courtroom Administrator, along with a copy of their final list of exhibits including the description of exhibits for the Jury's use. The Courtroom Administrator shall verify the exhibits and final lists and tender them to the jury for their deliberations.

D. At the conclusion of trial, all boxes of exhibits shall be returned to the respective parties and the parties are instructed to remove these exhibits from the courtroom.

E. SEALED EXHIBITS: Within three (3) days of the conclusion of trial, parties to file a Motion to Seal Trial Exhibits, if they have highly confidential exhibits.

F. SUBMISSION OF FINAL LISTS AND EXHIBITS: Within seven (7) business days of the conclusion of trial or after entry of Order regarding Motion to Seal Trial Exhibits (if any), each party shall submit to the Court (to Chambers):

- (1) A hard copy of Final Exhibit List of Exhibits Admitted During Trial, listing only the exhibits admitted at trial and making a notation of any sealed exhibit. In addition parties shall provide the Court a disk containing this document in WordPerfect or Word format. For Example: Plaintiff will

tender a list entitled, "Plaintiff's Final Exhibit List of Exhibits Admitted During Trial."

- (2) Two (2) separate copies of all sealed trial exhibits in PDF format on disk(s) or thumb drive(s); and, two separate copies of all other trial exhibits in PDF format on disk(s) or thumb drive(s). If tangible or over-sized exhibits were admitted, such exhibits shall be substituted with a photograph to be converted to a PDF file and shall be included in the Court's disk(s) of admitted exhibits.
 - (3) Two (2) separate copies of transcripts of Video Depositions played during trial, along with a copy of the actual video deposition on disk(s) or thumb drive(s).
- G. FILING AND STORAGE OF EXHIBITS: After receipt of final exhibit lists and exhibits, the Courtroom Administrator shall file and docket the parties' respective lists, and the trial exhibits shall be stored in the Clerk's Office, Tyler Division. Sealed Exhibits will be stored in the Clerk's Office Vault.

So ORDERED and SIGNED this 29th day of August, 2016.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE